



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **MP-5**

July 8, 2004

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF INTENTION TO VACATE A PORTION OF HILLTOP CLIMB
DRIVE, FUTURE STREET AND SLOPE SOUTHEAST OF WHITTEMORE DRIVE
MONTE NIDO - FUTURE PUBLIC HEARING
SUPERVISORIAL DISTRICT 3
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution of Intention to Vacate, with Reservations, a portion of Hilltop Climb Drive, future street and easement for slope purposes southeast of Whittmore Drive, in the unincorporated County area known as Monte Nido, pursuant to Section 8320, et seq., of the California Streets and Highways Code.
2. Set the matter for hearing not less than 15 days from the adoption of the Resolution, pursuant to Section 8320 of the California Streets and Highways Code.
3. Instruct the Executive Officer of the Board to publish the enclosed Notice of Proposed Vacation pursuant to Section 8322 of the California Streets and Highways Code.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the enclosed Resolution to Vacate with Reservation on the date of the hearing, pursuant to Section 8324 of the Streets and Highways Code, after finding that:

1. The vacation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. The areas proposed to be vacated are no longer needed for present or prospective public use, including bicycle paths and trails.
3. The public convenience and necessity require the reservation and exception of easements and rights as set forth in Section 8340 of the California Streets and Highways Code.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Mr. Tom Moore, with approval from Mr. Richard J. Love (owner of properties west of Hilltop Climb Drive), the underlying fee owners, requested this vacation to remove from the record all public easement rights within their properties. Mr. Moore wished to construct a residential structure on his property, which would entail the use of a portion of the dedicated unimproved road, future street and slope. Due to the surrounding areas' extreme topography, the building site can only be located in an area partly encompassing the areas proposed for vacation. Mr. Moore and Mr. Love own all the lots fronting the vacation area, and the road ends at Mr. Moore's property.

Hilltop Climb Drive, 20 feet in width, was dedicated to the County in 1926 and remains an unimproved street. The portions designated as "Future Street" and slope easement were dedicated in 1983 and were never developed as part of a road right of way. It is in the County's best interest to vacate these rights of way since they no longer serve the purpose for which they were dedicated, nor are they required for general public access, circulation, or for bicycle paths and trails. The vacation will not cut off access to any properties or negatively impact other properties.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the rights of way will result in added revenue through assessment and taxation, eliminates unnecessary maintenance cost, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the rights of way will not have a negative fiscal impact on the County's budget. A fee of \$2,000 has been paid by the petitioners to defray the expenses of investigation, mailings, publications, and posting. The fee is authorized by your Board in Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The areas to be vacated contain approximately 7,520 square feet and are shown on the map attached to each Resolution. Hilltop Climb Drive was dedicated for public use on the map of Tract No. 9372, recorded in Book 126, pages 14 through 19, inclusive, of Maps on file in the office of the Recorder of the County of Los Angeles. The future street and the slope easement were dedicated in Document recorded on December 23, 1983, as Instrument Nos. 83-1529738, 83-1529739, and 83-1529740, respectively, in said Recorder's office. A portion of the slope easement was dedicated in Document No. 90-1648491 and was recorded on September 26, 1990, in said Recorder's office.

Section 8300, et al., of the Streets and Highways Code allows your Board to voluntarily relinquish the County's interest on the future street and easement for slope purposes and terminate the public's right over the street or highway. Adoption by your Board of our recommendation terminates the rights of the County and public to the vacated areas and disposes of excess County rights of way. Your action will also result in the properties being unencumbered of the public easements, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated areas.

In consultation with the Department of Regional Planning, the vacation is subject to the following conditions:

1. That Mr. Moore merges Lots 1, 6, and 7 and a portion of Section 17, T1S, R17W, identified as A.I.N. 4456-032-049, into one parcel and Mr. Love merges Lots 4 and 5 into one parcel. The applicants and Mr. Love, prior to the recordation of the Vacation Resolution, will execute "A COVENANT AND AGREEMENT TO HOLD PROPERTIES AS ONE PARCEL" to effectuate the above condition.
2. That the petitioner dedicate to the County Lot 12 of Tract No. 9372 for turn-around purposes. This document will record concurrent or subsequent with the recording of the Resolution to Vacate.

3. That the building pad for future development of Mr. Moore's property be restricted to a maximum area of 10,000 square feet.

The petitioner has agreed to comply with the recommendations made by the Department of Regional Planning outlined in its February 25, 2004, memorandum (see enclosed Exhibit C).

ENVIRONMENTAL DOCUMENTATION

With respect to requirements of CEQA, this proposed vacation is categorically exempt as specified in Class 1, Class 5, Class 12, and Class 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Sections 15301, 15305, 153012, and 15321 of State CEQA Statutes and Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation of a portion of Hilltop Climb Drive, future street and slope, are not in conflict with the County-Adopted General Plan and that the rights of way are not suitable for bicycle paths and trails. Existing easement rights for utilities will be reserved to Las Virgenes Municipal Water District.

CONCLUSION

This action is in the County's interest. Enclosed are a Resolution of Intention and a Resolution to Vacate with Reservation, approved as to form by County Counsel, vacating a portion of Hilltop Climb Drive, future street and slope. Upon adoption of the Resolution of Intention, please transmit two conformed copies of the Resolution and the Notice of Proposed Vacation to Public Works, which will post the Notice pursuant to Streets and Highways Code Section 8323. Upon adoption of the Resolution to Vacate with Reservation, please return the executed original, together with two conformed copies and a copy of the Board's minute order, for further processing. Public Works will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed copy for your files.

The Honorable Board of Supervisors
July 8, 2004
Page 5

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

CVC:in
P5:blHILLTOP.doc

Enc.

cc: Chief Administrative Office
County Counsel

RESOLUTION OF INTENTION TO VACATE

WHEREAS, it is proposed that portion of Hilltop Climb Drive, future street and slope easement southeast of Whittemore Drive, be vacated as public streets or highways; and

WHEREAS, the proposed vacation has been approved by the Director of the County of Los Angeles Department of Public Works;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, that it is the intention of said Board of Supervisors to order that the aforementioned rights of way legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference covering the rights of way in the County of Los Angeles, State of California, be vacated pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, commencing with Section 8320.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, the _____ day of _____, 20_____, at the hour of _____ a.m./p.m. of said day, is the day and hour, and the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, is the place fixed by the Board of Supervisors when and where any and all persons having objections to the proposed vacation may appear before the said Board of Supervisors and show cause why said proposed vacation should not be made in accordance with this Resolution.

IT IS FURTHER ORDERED that notices of such proposed vacation be conspicuously posted, along the line of the areas proposed to be vacated in the manner and in the form required by law, and shall cause same to be published in _____, a newspaper of general circulation published in the County for at least two successive weeks prior to the day fixed for the hearing.

The foregoing Resolution was on the _____ day of _____, 20_____, adopted and ordered by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By _____
Deputy

By _____
Deputy

EXHIBIT "A"

HILLTOP CLIMB DRIVE SOUTHEAST OF WHITEMORE DRIVE (M0288109)

PART A

That portion of HILLTOP CLIMB DRIVE, 20 feet wide and variable width, in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to the public use, by map of Tract No. 9372, recorded in Book 126, pages 14 through 19 inclusive, of Maps, in the office the Recorder of said County, lying southwesterly of a line which bears at right angles from the northwesterly line of Lot 7, of said tract and which passes through the northwest corner of said lot.

PART B

Those portions of Lots 6, 7, and 12 of said above-mentioned tract, offered in Parcel 1, as shown on map recorded in deed to said County for public road and highway purposes recorded December 23, 1983, as Instrument No. 83-1529738, of Official Records, in said recorder's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Instrument No. 90-554944, of Official Records, in said recorder's office.

PART C

Those portions of Lot 6, 7, and 12, of said above-mentioned tract, and the southeast quarter of Section 17, Township 1 South, Range 17 West, S.B.M. dedicated as Parcel 2, as shown on map recorded in deed to said County for slope purposes, recorded on December 23, 1983, as Instrument No. 83-1529740 and in document recorded on September 26, 1990, as Instrument No. 90-1648491, both of Official Records, in said recorder's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Instrument No. 90-554944, of Official Records, in said recorder's office.

RESERVING to Las Virgenes Municipal Water District, an easement for water pipelines and appurtenances and ingress and egress purposes in, on, over, and across the above-described portion of Hilltop Climb Drive herein being vacated.

The reservation herein being made is done in accordance with the provision of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Total Area: 7,520+ square feet

Description Approved

JAMES A. NOYES
Director of Public Works

By _____
Deputy

RH:jb
P5/exRH

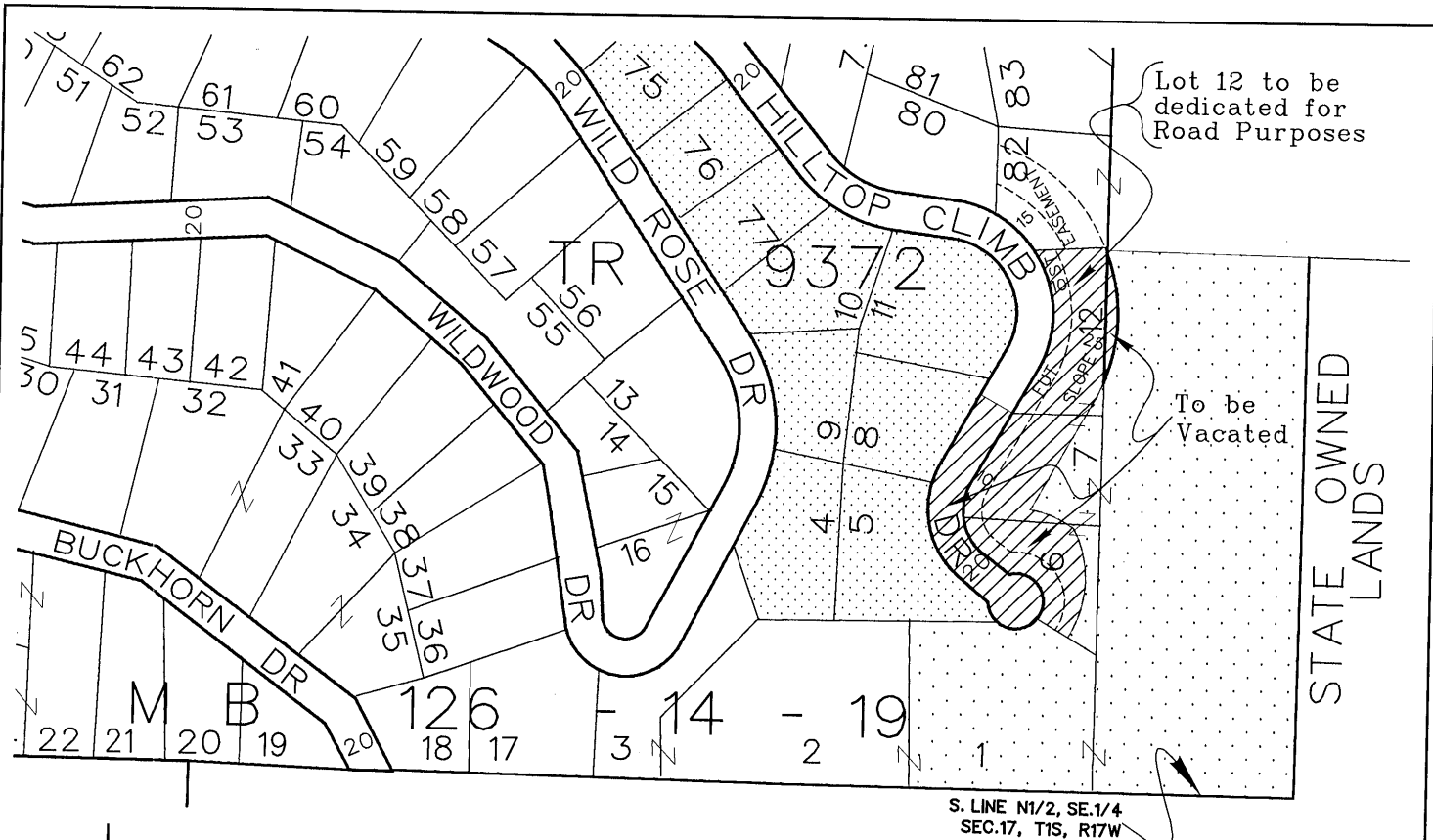
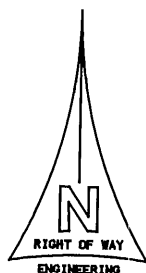
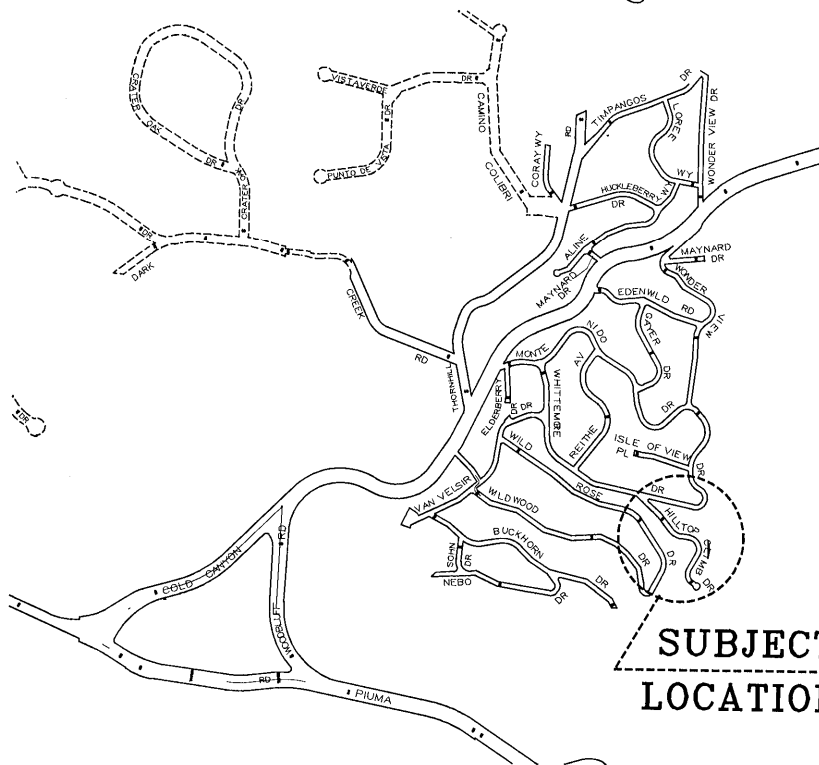


EXHIBIT B




NOTE: Lot 12 will be dedicated for turn-around purposes.

Total Proposed Vacation 7520 ± s.f.



LEGEND

 To be Vacated

 Tom Moore (Applicant)

 Richard J. Love

REVISIONS

1. 4-27-04

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD. 3	RD. 339	A.M.B. 4456-031 & 032	T.G. 629-A-1
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HILLTOP CLIMB DR
SE/O
WHITEMORE DR

DRAWING NO.
M0288109

SCALE NONE	DATE 3-13-02	I.M. 129-077
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**NOTICE OF PROPOSED VACATION OF PORTION OF HILLTOP CLIMB DRIVE,
FUTURE STREET AND SLOPE SOUTHEAST OF WHITTEMORE DRIVE IN THE
VICINITY OF MONTE NIDO IN THE
3RD SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a Resolution of Intention was adopted by the Board of Supervisors of the County of Los Angeles on _____, 20_____, declaring its intention to vacate, with reservation, portion of Hilltop Climb Drive, future street and slope southeast of Whittemore Drive (Monte Nido, California 91302) in the 3rd Supervisorial District, as legally described in Exhibit "A" and as shown by the map in Exhibit "B", attached hereto and incorporated herein by reference.

The vacation proceeding is conducted pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320.

A hearing on the proposed vacation will be held in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, on _____, 20_____, at _____ a.m./p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California, adopted _____, 20_____.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By _____
Deputy

EXHIBIT "A"

HILLTOP CLIMB DRIVE SOUTHEAST OF WHITEMORE DRIVE (M0288109)

PART A

That portion of HILLTOP CLIMB DRIVE, 20 feet wide and variable width, in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to the public use, by map of Tract No. 9372, recorded in Book 126, pages 14 through 19 inclusive, of Maps, in the office the Recorder of said County, lying southwesterly of a line which bears at right angles from the northwesterly line of Lot 7, of said tract and which passes through the northwest corner of said lot.

PART B

Those portions of Lots 6, 7, and 12 of said above-mentioned tract, offered in Parcel 1, as shown on map recorded in deed to said County for public road and highway purposes recorded December 23, 1983, as Instrument No. 83-1529738, of Official Records, in said recorder's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Instrument No. 90-554944, of Official Records, in said recorder's office.

PART C

Those portions of Lot 6, 7, and 12, of said above-mentioned tract, and the southeast quarter of Section 17, Township 1 South, Range 17 West, S.B.M. dedicated as Parcel 2, as shown on map recorded in deed to said County for slope purposes, recorded on December 23, 1983, as Instrument No. 83-1529740 and in document recorded on September 26, 1990, as Instrument No. 90-1648491, both of Official Records, in said recorder's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Instrument No. 90-554944, of Official Records, in said recorder's office.

RESERVING to Las Virgenes Municipal Water District, an easement for water pipelines and appurtenances and ingress and egress purposes in, on, over, and across the above-described portion of Hilltop Climb Drive herein being vacated.

The reservation herein being made is done in accordance with the provision of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Total Area: 7,520+ square feet

Description Approved

JAMES A. NOYES
Director of Public Works

By _____
Deputy

RH:jb
P5/exRH

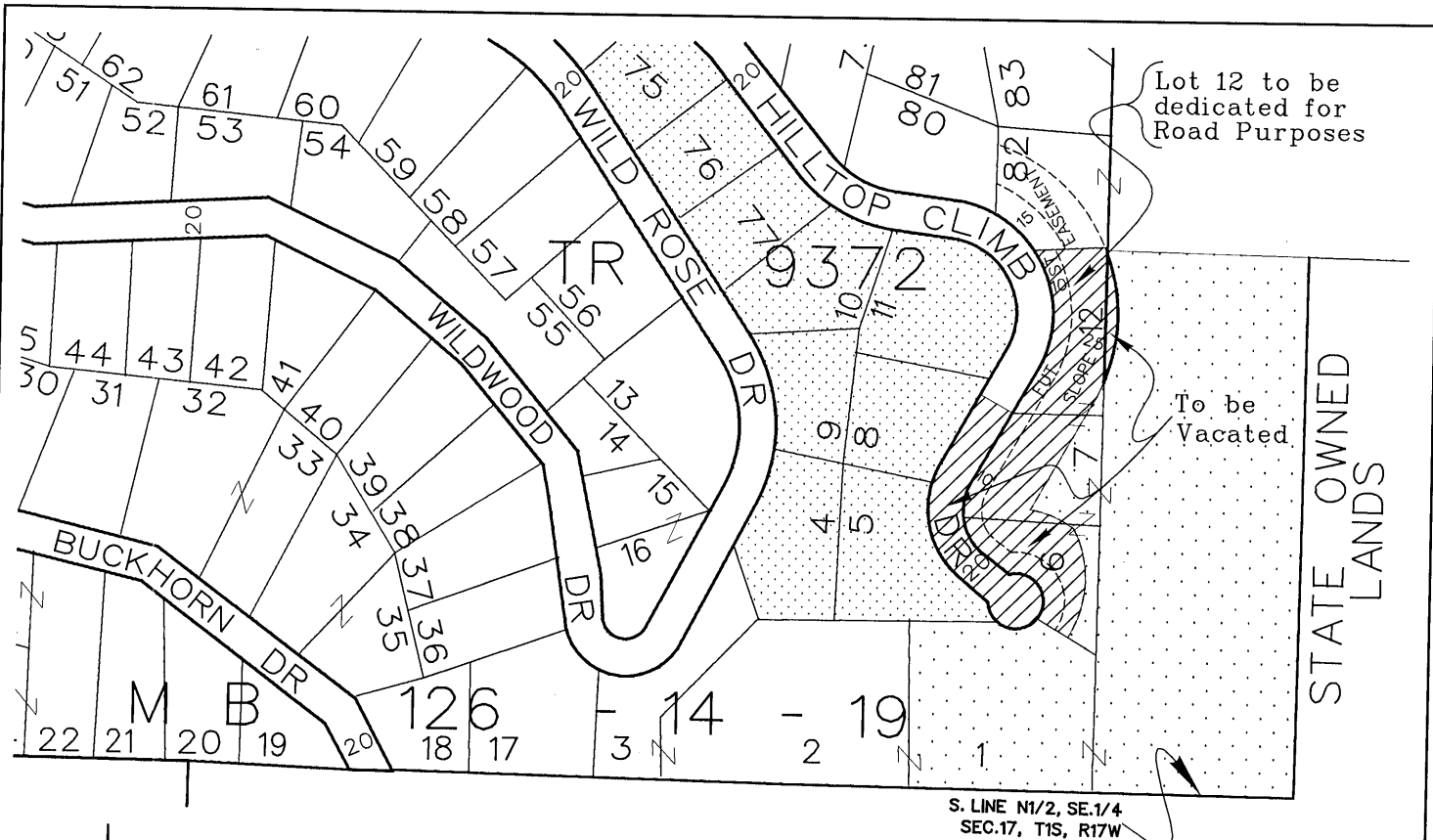
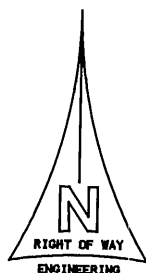
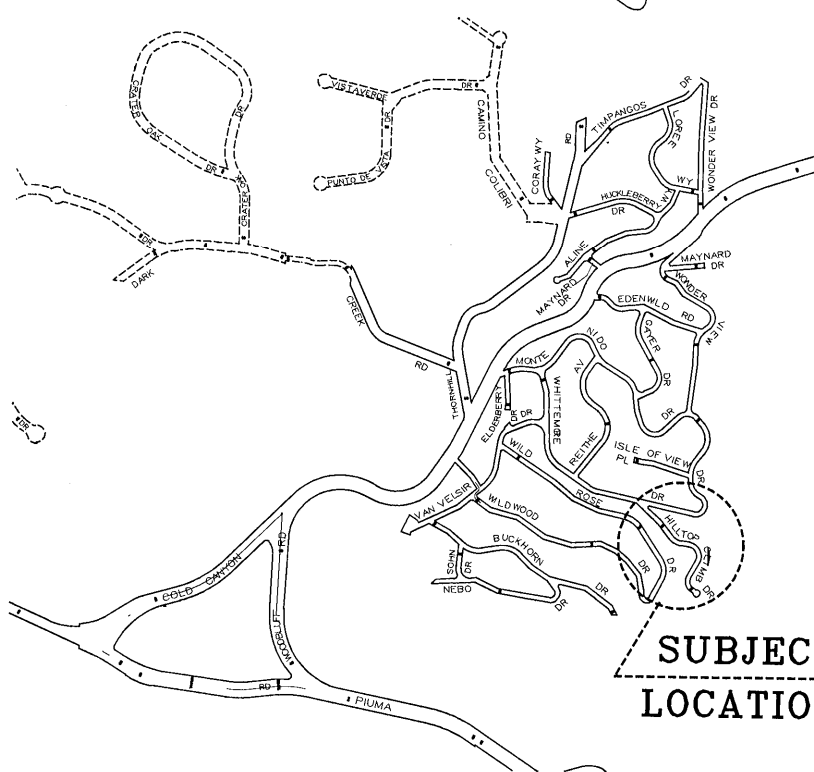


EXHIBIT B



NOTE: Lot 12 will be dedicated for turn-around purposes.

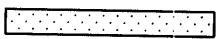
Total Proposed Vacation 7520 ± s.f.



LEGEND



To be Vacated



Tom Moore
(Applicant)



Richard J. Love

REVISIONS

1. 4-27-04

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD. 3	RD. 339	A.M.B. 4456-031 & 032	T.G. 629-A-1	HILLTOP CLIMB DR SE/O WHITEMORE DR	DRAWING NO. M0288109
SCALE NONE		DATE 3-13-02	I.M. 129-077		

**RESOLUTION TO VACATE WITH RESERVATION
(CONDITIONAL)**

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, did on _____, 20_____, adopt the Resolution of Intention to Vacate as public rights of way portion of Hilltop Climb Drive, future street and slope southeast of Whittemore Drive in the vicinity of Monte Nido in the County of Los Angeles, State of California, legally described in Exhibit "A" and shown by map in Exhibit "B" attached to said Resolution; pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California commencing with Section 8320; and

WHEREAS, pursuant to said Resolution, notice of proposed vacation has been given by publication and by posting; and

WHEREAS, said Board of Supervisors held a public hearing on said proposed vacation _____, 20_____; and

WHEREAS, said Board of Supervisors has found and determined that the areas to be vacated are no longer necessary for present or prospective public use based upon the following facts: That the subject rights of way are not required for general public access or circulation, including bicycle paths and trails.

WHEREAS, the vacation is conditioned upon (1) the underlying fee owners executing "A COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL" merging Lots 4 and 5 as one parcel, and Lots 1, 6, and 7 and that portion of Section 17, T1S, R17W identified as A.I.N. 4456-032-049 as another to restrict future development and limit construction of single family residences on their properties; (2) the petitioner dedicating Lot 12 of Tract No. 9372 to the County of Los Angeles for turn around purposes; and (3) that the building pad for future development of the properties be restricted to a maximum area of 10,000 square feet.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors of the County of Los Angeles, State of California, that the above-referenced rights of way are hereby vacated pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code, State of California, commencing with Section 8320; reserving and excepting therefrom easements and rights for utility facilities owned by Las Virgenes Municipal Water District, as set forth in Sections 8340 and 8341 of said Streets and Highways Code;

AND BE IT FURTHER RESOLVED that the County of Los Angeles Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the portion of Hilltop Climb Drive and slope easement vacated will no longer be public streets or highways and the County's right to accept the offer of dedication of the future street terminated.

The foregoing Resolution was on the _____ day of _____,
20_____, adopted by the Board of Supervisors of the County of Los Angeles, State of
California.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By _____
Deputy

CVC:in
P5:blHILLTOP.doc

EXHIBIT "A"

HILLTOP CLIMB DRIVE SOUTHEAST OF WHITEMORE DRIVE (M0288109)

PART A

That portion of HILLTOP CLIMB DRIVE, 20 feet wide and variable width, in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to the public use, by map of Tract No. 9372, recorded in Book 126, pages 14 through 19 inclusive, of Maps, in the office the Recorder of said County, lying southwesterly of a line which bears at right angles from the northwesterly line of Lot 7, of said tract and which passes through the northwest corner of said lot.

PART B

Those portions of Lots 6, 7, and 12 of said above-mentioned tract, offered in Parcel 1, as shown on map recorded in deed to said County for public road and highway purposes recorded December 23, 1983, as Instrument No. 83-1529738, of Official Records, in said recorder's office.

EXCEPT that portion vacated by Resolution adopted by the Los Angeles County Board of Supervisors, recorded on March 21, 1990, as Instrument No. 90-554944, of Official Records, in said recorder's office.

PART C

Those portions of Lot 6, 7, and 12, of said above-mentioned tract, and the southeast quarter of Section 17, Township 1 South, Range 17 West, S.B.M. dedicated as Parcel 2, as shown on map recorded in deed to said County for slope purposes, recorded on December 23, 1983, as Instrument No. 83-1529740 and in document recorded on September 26, 1990, as Instrument No. 90-1648491, both of Official Records, in said recorder's office.

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RESERVING to Las Virgenes Municipal Water District, an easement for water pipelines and appurtenances and ingress and egress purposes in, on, over, and across the above-described portion of Hilltop Climb Drive herein being vacated.

The reservation herein being made is done in accordance with the provision of Sections 8340 and 8341 of the Streets and Highways Code of the State of California.

Total Area: 7,520+ square feet

Description Approved

JAMES A. NOYES
Director of Public Works

By _____
Deputy

RH:jb
P5/exRH

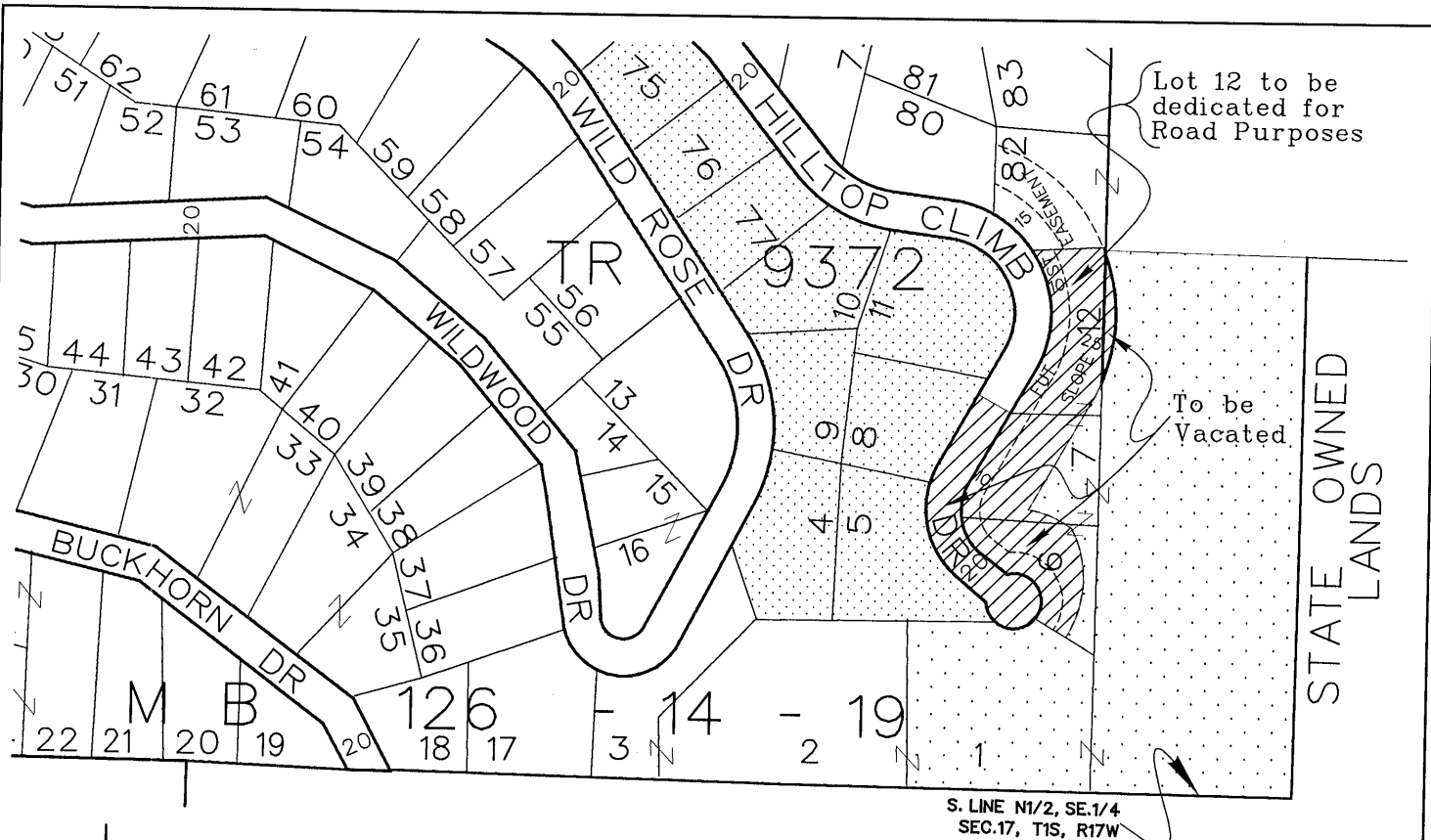
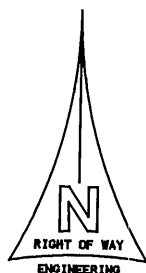
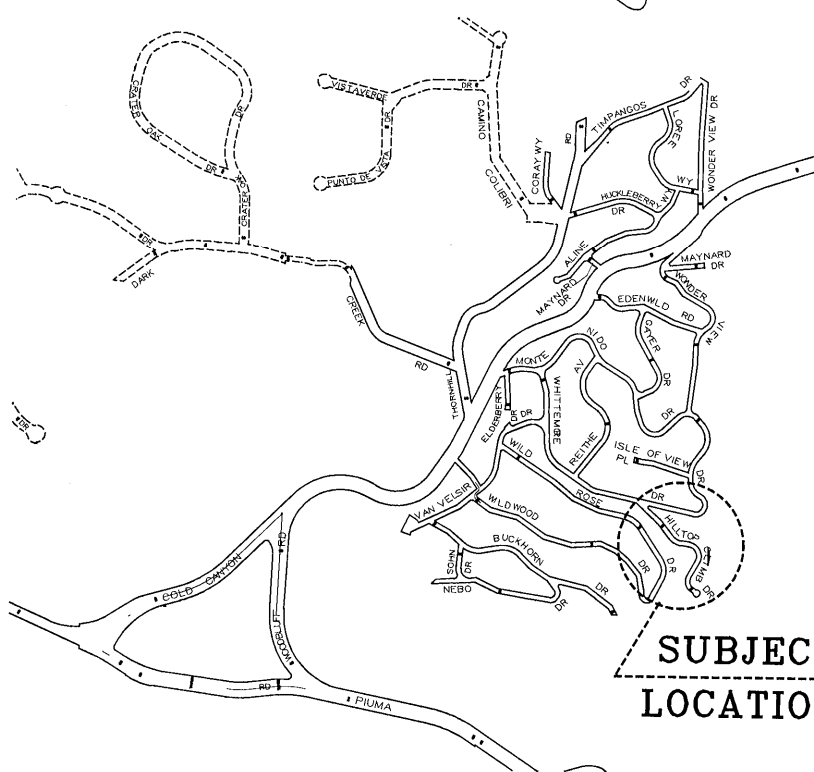


EXHIBIT B



NOTE: Lot 12 will be dedicated for turn-around purposes.

Total Proposed Vacation 7520 ± s.f.



LEGEND

 To be Vacated

 Tom Moore (Applicant)
 Richard J. Love

REVISIONS

1. 4-27-04

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

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SCALE NONE		DATE 3-13-02	I.M. 129-077		